

House Resolution

No. 38

**Introduced by Assembly Member Hagman
(Coauthors: Assembly Members Jones, Morrell, and Wagner)**

August 16, 2012

House Resolution No. 38—Relative to the First Amendment to the United States Constitution.

1 WHEREAS, The First Amendment to the United States
2 Constitution provides, “Congress shall make no law respecting an
3 establishment of religion, or prohibiting the free exercise thereof;
4 or abridging the freedom of speech, or of the press; or the right of
5 the people peaceably to assemble, and to petition the government
6 for a redress of grievances”; and

7 WHEREAS, The free exercise of religion and freedom of speech
8 are guaranteed for all Americans by the First Amendment to the
9 United States Constitution; and

10 WHEREAS, Thomas Jefferson wrote to the Reverend Samuel
11 Miller on January 23, 1808, “every one must act according to the
12 dictates of his own reason, & mine tells me that civil powers alone
13 have been given to the President of the U.S., and no authority to
14 direct the religious exercises of his constituents”; and

15 WHEREAS, Franklin Roosevelt stated, “Where freedom of
16 religion has been attacked, the attack has come from sources
17 opposed to democracy. Where democracy has been overthrown,
18 the spirit of free worship has disappeared. And where religion and
19 democracy have vanished, good faith and reason in international
20 affairs have given way to strident ambition and brute force”; and

21 WHEREAS, The fundamental principles of equality and ordered
22 liberty form the foundation of all the laws that govern us; and

1 WHEREAS, Recently, local elected officials throughout the
2 state and country have unjustly called for the exclusion of certain
3 businesses within their cities due only to business owners
4 exercising their rights under the First Amendment to the United
5 States Constitution; and

6 WHEREAS, This resolution recognizes our given freedoms
7 without endorsing any particular view but by simply supporting
8 our right to speak and believe freely without government
9 persecution; and

10 WHEREAS, For more than two centuries, the United States of
11 America continues to be the worldwide symbol of individual liberty
12 and a beacon of hope and opportunity for more than two centuries;
13 and

14 WHEREAS, Religion in the United States is defined by a great
15 adherence level and vibrant diversity in religious beliefs and
16 practices; and

17 WHEREAS, The freedom to allow all faiths to flourish and the
18 protected liberty of religious conscience profoundly shapes
19 America's history and destiny as religious people fulfill their
20 mission, calling, and commitment to serve; and

21 WHEREAS, Tolerance by the government toward people of
22 faith is constitutionally guaranteed and necessary to allow an
23 unimpeded flow of tolerance and ideas that positively impact and
24 transform lives; and

25 WHEREAS, Constitutional protection from governmental
26 discrimination or coercion ensures a strong and vibrant democracy;
27 and

28 WHEREAS, Firmly upholding the right of conscience and
29 cherishing the exercise of religious independence and expression
30 of religious belief as American foundations animate the freedom
31 that belongs to all, that we may live in liberty and happiness; now,
32 therefore, be it

33 *Resolved by the Assembly of the State of California*, That the
34 Assembly unequivocally condemns all forms of intolerance of
35 religious beliefs and expressing those beliefs; and be it further

36 *Resolved*, That the Assembly recognizes the rights of the First
37 Amendment to the Constitution while promoting and protecting
38 the freedoms of speech and religion without government
39 persecution; and be it further

- 1 *Resolved*, That these rights preclude exclusion from commerce
- 2 based upon the freedom of beliefs; and be it further
- 3 *Resolved*, That the Chief Clerk of the Assembly transmit copies
- 4 of this resolution to the author for distribution.

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